

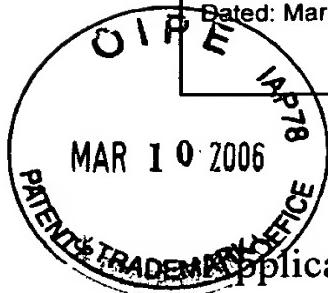
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Bated: March 10, 2006

Signature:

Jean Bové

Docket No.: 0169-274



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ROBERT BERLINER) Group Art Unit: 3627
Serial No. 09/764,530) Examiner: Ronald Laneau
Filed: January 17, 2001) Confirmation No. 6423
For: METHOD OF PROVIDING REPAIR)
INFORMATION AND DOING)
BUSINESS THEREON ON A GLOBAL)
COMPUTER NETWORK)

Customer No.: 000167

APPELLANT'S BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This brief is in furtherance of the Notice of Appeal, filed in this case on November 10, 2005.

The fees required under § 1.17(f) and any required petition for extension of time for filing this brief and fees therefor, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief is transmitted in triplicate.

This brief contains items under the following headings as required by 37 C.F.R.

§ 1.192 and M.P.E.P. § 1206:

- I. Real Party In Interest
- II. Related Appeals and Interferences
- III. Status of Claims
- IV. Status of Amendments
- V. Summary of Invention
- VI. Issues
- VII. Grouping of Claims
- VIII. Arguments
- IX. Appendix

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I. REAL PARTY IN INTEREST

The real party in interest for this appeal is: Robert Berliner

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are fourteen claims pending in the application.

B. Current Status of Claims

Claims canceled: 7.

Claims withdrawn from consideration but not canceled: none.

Claims pending: 1, 5 – 8, 10, 11, 14 – 17, and 19 - 21.

Claims allowed: none.

Claims rejected: 1, 5 – 8, 10, 11, 14 – 17, and 19 - 21.

C. Claims On Appeal

The claims on appeal are claims 1, 5 – 8, 10, 11, 14 – 17, and 19 - 21.

IV. STATUS OF AMENDMENTS

The last amendment to the claims (dated June 3, 2005) was filed following a non-final rejection of all the claims, which was followed by a final rejection of all the claims on August 10, 2005.

V. SUMMARY OF INVENTION

The invention is directed to an internet web site, and method of doing business on a web site, constructed to enable a user to learn how to repair a wide variety of items, from small to large household appliances, to business machines such as typewriters, computers, printers and the like, to bicycle and automobiles, among a wide and diverse variety of devices and which facilitates the purchase of replacement parts for the repair. In particular, the invention provides graphics in the form of a photograph or other illustration depicting the device, depicting a plurality of replaceable parts for the device, and depicting the relationship of the parts to the device. A user can then mouse click on graphics representing a replaceable

part of the device which results in a list of one or more manufacturers or vendors of the part selected by the user. The user can then mouse click on one of the manufacturers or vendors in the list to obtain information about the part needing replacement, or to purchase the part needing replacement.

VI. ISSUES

The issue in the appeal are:

- (1) whether claims 1, 5, 8, 10, 11, 14 – 16, 19, and 20 are patentable under 35 U.S.C. § 103(a) over Koprowski (Wall Street Journal, 1998 – hereinafter “Koprowski”) in view of Allsop US Patent No. 5,970,472 (hereinafter “Allsop”); and
- (2) whether claims 8, 17, and 21 are patentable under 35 U.S.C. § 103(a) over Koprowski in view of Allsop, and further in view of Messer US Patent No. 5,991,740 (hereinafter “Messer”)

VII. GROUPING OF CLAIMS

The claims are in one group that stand or fall together.

VIII. ARGUMENT

The rejections over Koprowski and Allsop are fundamentally flawed. First, Koprowski refers to the web site of a particular manufacturer and therefore displays information from only that particular manufacture and is incapable of providing information from a manufacturer that is selected because it has parts for the device in question. Thus is plain from the relied upon portion of Koprowski, where the web site of a company called Life Fitness is described. A user of the Life Fitness site clicks on a part of a schematic drawing to order the part, but it would be contrary to Koprowski’s purpose to have the name of the manufacturer, or a list of manufacturers, pop up at that point, as in the claims, because the user is already on the site of the manufacturer.

Second, Allsop discloses nothing additional to Koprowski that is in any aspect relevant to the claims. In Allsop, a consumer accesses an order processing unit by activating a hypertext link provided by the manufacturer’s web site (col. 7, lines 24 – 26). Therefore, like Koprowski, information is provided from only that pre-selected manufacture. Allsop’s only purpose is to “provide[s] a customized user interface for ordering products only from the one specific manufacturer and dealer” (emphasis added, lines 18 – 22 of the Abstract, col. 2, lines 54 - 57), which is the antithesis of what is provided by Applicant’s claims.

Claims 8, 17 and 21 call for the web site of the manufacturer or vendor to be specifically set up to receive referrals from another web site and to compensate the owner of the referring web site. These claims are improperly rejected over Koprowski and Allsop in view of Messer. The weaknesses of Koprowsky and Allsop are not cured by Messer, or even addressed by Messer. The combination therefore does nothing to suggest the claimed invention, in which a list of one or more manufacturers is provided only after the user uses a mouse to click on displayed graphics representing a replaceable part of a device.

Conclusion

Fundamentally, none of the references addresses the central elements of the claims. Applicant respectfully submits that the invention is not obvious over Koprowski, Allsop, or Messer or any combination of them. Affirmation of this position is courteously solicited.

Dated: March 10, 2006

Respectfully submitted,

By _____

Robert Berliner

Registration No.: 20,121

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IX. APPENDIX

Claims Involved in the Appeal of Application Serial No. 09/764,530

1. A method of doing business on the world wide web, comprising the following steps:

(1) a provider provides and displays information on a web site about the repair of various devices, the information including graphics in the form of a photograph or other illustration depicting the device, depicting a plurality of replaceable parts thereof, and depicting the relationship of said parts to the device;

(2) a user uses a mouse to click on said displayed graphics representing a replaceable part of a device;

(3) in response to step (2), information is electronically provided to the user, the information comprising a list of one or more manufacturers or vendors of the part selected by the user; and

(4) the user uses a mouse to click on one of the manufacturers or vendors in the list ~~can~~ to obtain information about the part needing replacement, or to purchase the part needing replacement.

5. The method of Claim 1 wherein the user is directed to a web site of the manufacturer or vendor.

6. The method of Claim 5 wherein the web site of the manufacturer or vendor is its site home page.

7. The method of Claim 5 wherein the web site of the manufacturer or vendor is a site page on which information on the part is displayed.

8. The method of Claim 6 wherein the web site of the manufacturer or vendor is a site page specifically set up to receive referrals from another web site and to compensate the owner of the referring web site.

10. The method of Claim 3 1 wherein by clicking one of the manufacturers or vendors, the user is directed to an order page.

11. An internet web site and a program operating said web site, comprising:
a plurality of web site pages providing and displaying information about the repair of various devices, the information including graphics in the form of a photograph or other illustration depicting the device, depicting a plurality of replaceable parts thereof, and

depicting the relationship of said parts to the device wherein a user can click on displayed graphics representing a replaceable part of a device;

means whereby, when a user uses a mouse to click on a said displayed graphics representing a replaceable part of a device, information is electronically provided to the user, the information comprising a list of one or more manufacturers or vendors of the part selected by the user; and

means whereby, when the user uses a mouse to click on one of the manufacturers or vendors in the list, the user can obtain information about the part needing replacement, or can purchase the part needing replacement.

14. The internet web site of Claim 11 wherein the user is directed to a web site of the manufacturer or vendor.

15. The internet web site of Claim 14 wherein the web site of the manufacturer or vendor is its site home page.

16. The internet web site of Claim 14 wherein the web site of the manufacturer or vendor is a site page on which information on the part is displayed.

17. The internet web site of Claim 15 wherein the web site of the manufacturer or vendor is a site page specifically set up to receive referrals from another web site and to compensate the owner of the referring web site.

19. The method of Claim 1 wherein by clicking on the name of a manufacturer, model part numbers are displayed.

20. The internet web site of Claim 11 wherein by clicking on the name of a manufacturer, model part numbers are displayed.

21. The method of Claim 1 including a step wherein the provider derives revenue by one or more of the following activities: (a) direct sale of one or more replacement parts to the user, (b) obtaining referral fees or commissions from a manufacturer or other vendor of the one or more of the parts, or (c) gathering consumer information from the user's activities on the web site.